Argument of the Late William O. Bartlett.

Showing Such a Tax to Be Unconstitutional.

Our next inquiry is whether the framers of the Constitution understood the meaning of the phrass direct tax when they employed it in that Instrument, and what they understood its meaning to be. There is good reason to believe that they understood it perfectly. They were an in-telligent body of men. Among them were echolars and lawyers and statesmen. They were met together to make sure the foundations of a Government resulting from a revolution which had its very origin in unjust taxation. In the Declaration of Independence they had made this conspicuous among the reasons on which they relied to justify them in the opinions of mankind for renouncing allegiance to the mother country. If there was any subject which they were bound to understand it was the subject of taxes. It occupied much time and attention in the Convention. The provisions of the Constitution are different from those of the old articles of confederation. They were deliberately considered, tarefully worded, and fully debated. The phraseology was changed and amended from the original draft before their adoption. These provisions were regarded by all the States as of the greatest importance, and it was apprehended and believed that upon their just and correct bettlement would depend the ratification of the Constitution by the States and the efficiency and perpetuity of the Union about to be formed, Nay, more, the confederation of the States formed under the old articles of 1778 was at that very time crumbling and falling to pieces from the want of the proper adjustment of exactly this power of direct taxation. THE CORNER STONE OF THE CONSTITUTION.

It is no exaggeration to say that this is the foun-Cation, the corner stone of the Constitution. The present Constitution originated from the supreme necessity which had been experienced under the old Confederation of the power of taxation in the General Government. An exthis the Government could not go on. In the traphatic words of Mr. Madison, "the Federal authority had ceased to be respected abroad; ht home it had lost all confidence and credit."

The old Confederation depended for revenue tion requisitions on the several States, with which the States might comply or not, as they those, and with which they generally did choose not to comply, either promptly or fully, if at all, This was the radical infirmity of the Confederaion. James Madison reported the debates of the Convention which framed the Constitution, and in his introduction Mr. Madison says:

"The radical infirmity of the articles of Con-federation was the dependence of Congress on he voluntary and simultaneous compliance with is requisitions by so many independent communities, each consulting more or less its particular interests and convenience, and distrusting the compliance of the others." (Elliot's Debates,

It was to cure this radical infirmity that the present Constitution was projected and formed. [Ibid, 112, 113.) Other great improvements, it s true, on the articles of confederation, were made in the Constitution when it came to be formed; but the most Important of all was in the regulation of taxation. Alexander Hamilton, foremost among the progenitors of the Con-stitution, who drafted the address to the States inviting them to send delegates to the Convention by which it was formed, wrote thus in the

The power of taxation is the most important of the authorities proposed to be conferred on the Union." (P. 285, J. C. Hamilton's edition.) The necessity of conferring this authority tipon the General Government had become obrious; yet there was no power which the people were more determined to guard so that it could hever be arbitrarily exercised. Of all political none in which they had taken a deeper interest. It was the right which they prized most highly. The whole power of Great Britain had been hum-bled in the dust in an unsuccessful attempt to wrest it from them. The firm establishment of this right was the costly and pre-

gious fruit of the Revolution. The graves of those who had fallen in its defence were then fresh made. The scars which many of the survivors had received, if healed, were still visible and not forgotten. Washington, who presided over the Convention which formed the Constitution, had acquired his imperishable glory in the war begun for the maintenance of that right. The States naturally watched with scrutinizing calousy the terms in which and the extent to which all authority which had been preperved at such cost was conferred upon the Gen-eral Government; and the history of the times justifies the remark that not one of them would have given its assent to the grant had it not been accompanied by the condition that no direct tax should be laid except in proportion to the census. Every assurance was given by the advocates and supporters of the Constitution

ever be violated. It is evident from what has been said that the framers of the Constitution attached the greattat importance to the provision respecting di pect taxation, and that they adopted it undercandingly. What, then, did the framers of the Constitution mean by direct taxes? If we refor for an answer to the declarations of the very men themselves, and to the contemporaneous history, we shall have adhered to the rule of law which requires the best evidence of which the case admits. By such evidence I expect to show that the framers of the Constitution considered:

that this provision could not by any possibility

First-A tax on land to be a direct tax. Second-A general assessment on property to

I then expect to establish by legal decisions Third-If a tax on land be a direct tax, or if a

general assessment on property be a direct tax, it follows, as an unavoidable consequence, that the income tax is a direct tax. There were two parties in the Federal Con-

vention, differing from each other principally in respect to the extent of the power which ought to be conferred on the general Government. If we find that the leaders of these two antagconistic parties agree perfectly as to the con-struction of this provision, may we not regard this as proof which cannot be controverted ?

The ablest, most astute, most distinguished opponent of the Constitution in that Convention was Luther Martin, a delegate from Maryland, at that time Attorney-General of the State, and for many years the great luminary of its bar. One of the fullest and most interesting reports ever made of the doings of that Convention is contained in an address by Mr. Martin to the Maryland Legislature. It is entitled, "The genuine information, delivered to the Legislature of the State of Maryland, relative to the proceedings of the General Convention, held at Philisdelphia in 1787, by Luther Martin, Esq., Attorney General of Maryland, and one of the delegates in the said Convention." A part of this "genuine information" relates to the explanation given by the Committee of Detail, as it was called, that is, the committee appointed by the Convention to draft the tonstitution as to the meaning of the provision about taxation. From their explanation, a stated by Mr. Martin, it appeared that by the board of the was meant stamp duties, imposts applied to goods imported; excluse to articles of her or consumption, while direct taxation was been or consumption, while direct taxation was

"either a capitation on their heads or an assessment on their property." (Ibid, I., p. 308.) The State of New York had in that Convention a delegate of great distinction—Alexander Hamilton, one of the brightest, clearest intellects of the Revolutionary period—as strong in his advocacy of the Constitution as Luther Martin was in his

In the celebrated carriage case (Hylton vs. the United States, 3 Dallas, 171) Mr. Hamilton appeared for the Government, and in the course of his argument be mentioned as taxes, which were to be considered direct taxes, capi-tation taxes, taxes on land and buildings, and general assessment. (See his brief in the case referred to.)

Thus we see these two great lawyers-leaders of the opposing parties—concurring 'their con-struction of this provision of the Con-action and in the opinion that an assessment on property is a direct taxation. My notes on the carriage case, which accompany this argument, contain ample and convincing evidence that those who framed and those who adopted the Constitution understood that direct taxes might be levied upon personal property as well as upon real estate

That there can be no distinction, in point of law, between a tax on property, of any kind, and a tax upon the income of the same property will fully appear further on in this argument.

Among the greatest men and the ablest constitutional lawyers in the early history of the Government stood Samuel Dexter of Massachusetta, Here is his portrait, drawn by the master hand of Daniel Webster:

"He was a lawyer, and he was also a statesman. He had studied the Constitution when he filled public stations that he might defend it; he had examined its principles that he might maintain them. More than all men, or at least as much as any man, he was attached to the general Government and to the union of the States, His feelings and opinions all ran in that direction. A question of constitutional law, too, was, of all subjects, that one which was best suited to his talents and learning. Aloof from technicality and unfettered by artificial rule, such a question gave opportunity for that deep and clear analysis, that mighty grasp of principle which so much distinguished his higher efforts. His very statement was argument; his inference seemed demonstration."

Samuel Dexter, such as he is here portrayed, was in Congress in 1794, when arose the first discussion in that body as to what constitutes direct taxation. Mr. Dexter said: "His col-league (Mr. Sedgwick) had stated the meaning of direct taxes to be a capitation tax, or a general tax, on all the taxable property of the citisens, and that a gentleman from Virginia (Mr. Nicholas) thought the meaning was that all taxes are direct which are paid by the citizen without being recompensed by the consumer; but that where the tax was only advanced and repaid by the consumer the tax was in-direct. He thought that both opinions were just and not inconsistent, though the gentlemen had differed about them. He thought that a general tax on all taxable property was a direct tax, because it was paid without being repaid by the consumer." (Annals of Congress, 1793-5),

I have endeavored to show that "direct tax." as a political and legal phrase, has a definite meaning, established by long and enlightened usage, both in the Old World and in the New, and that the phrase was understandingly used by the framers of the Constitution in that in-

Taxes on land and a general assessment upon property certainly have been held, and are held, by statesmen and lawyers, to be direct taxes, We shall now see that no valid and legal distinction can be made between a tax on land and a tax on the income of the same land, or between a general assessment upon property and a tax upon the income of the same property; and in considering this principle I come to the solid, immovable rock on which I ground my whole argument—that is, to the adjudications of the tribunal of last resort for such questions in this country, the Supreme Court of the United These settle the whole matter beyond a doubt, and place it out of the reach of cavil.

DECISIONS OF THE SUPREME COURT. In an early case (1796) the court laid down the loctrine that a tax on land is a direct tax in the following emphatic terms: "Both in theory and practice a tax on land is a direct tax." (Hylton agt. the United States, 3 Dallas, 171.)

Now, it will appear by other decisions of this court, and of other courts, that a tax on the income of land is, in effect and in law, the same thing as a tax on the land itself; and as the income tax is a tax on the income of land as well as the income of other property, it is in legal intendment and construction a tax on land, as well as on other property; a tax on land, a direct tax, and, being unapportioned according to the census, it is consequently unconstitutional

It has long been well settled that "a devise devise of the land itself." (9 Mass. 379: 1 Ash mead, 136.) So in the State of New York the same doctrine is held. (11 Wendell, 298; 17 Wendell, 402.) A devise of the rents and profits of land or the income of land is equivalent to a devise of the land itself, (Washburn on Real Property, 2.752, and cases there cited.) And the rule which has uniformly governed the Supreme Court of the United States is that where any principle of law establishing a rule of real property has been settled in the State courts, the same rule will be applied by that court that would be applied by the State tribunals, (Jackson agt, Chew, 19 Wheaton, 153.) Thus it is the doctrine of the Supreme Court of the United States, as well as of the State courts that a devise of the income of land is the same thing as a devise of the land. And the court has decided in several cases that in levying taxes, as well as in the devise of land, the substance, and not the form, must govern, and have pronounced filegal the various attempts which have from time to time been made to lay some prohibited tax by the mere evasion of the express words of the prohibition.

There is certainly more plausible ground for contending that there is a difference in principle between a tax on a bill of lading and a tax on between a tax on a bill of lading and a tax on the article shipped than for a distinction between a tax on the value of land and a tax on the income of land. Let in the case of Almy agt, the Supreme Court of the United States held that a tax or duty on a bill of lading, although differing in form from a duty on the article shipped, is, in substance, the same thing, and that a law prohibiting a tax on the article shipped by necessary implication prohibits a tax on the bill of lading of the same article.

the article shipped by necessary implication prohibits a tax on the bill of lading of the same article.

The State of Maryland undertook to levy a tax on the occupation of an importer by requiring him to pay for a license to carry on his business, but Chief Justice Marshall decided that this was a tax on imports and being laid by a State, was unconstitutional and void. (Brown agt. Maryland, 12 Wheaten, 429.)

In another case the Supreme Court of the United States decided the exact question atissue here, whether a tax on the income of a thing is the same as a tax on the ling liself, and held that a tax which could not be legally levied on an office could not be legally levied on an office could not be legally levied on the income of the same office; from which it irresistibly follows that if an unapportioned tax cannot constitutionally be laid upon the income of land. This was the case of loobins agt, the Commissioners of Eric county, in which the court decided that the emoluments of an office could not be taxed if the office was exempt. (10 Peters, 435.) If the decisions of the courts of the highest State tribunals and of the Supreme Court of the United States are to stand, if a devise of the income of land is a devise of the income of land is a devise of the income of the accumulation of property; has being a tax on the income of land, as well as upon the income of land, as well as upon the income of land, as well as upon the income of land, as well as of other property; and being a tax on the income of land, as well as of other property; has he effect the same as a tax on the income of land, as well as of other property; and being a tax on the forms of property in general, is, in legal principle, the same thing as a general assessment on property; and being a tax on the income of land, as well as of other property; and being a tax on the front property; and being a tax on the forms of property in general, is, in legal principle, the same thing as a general assessment on property; and being as of other propert

THINGS AT THE THEATRES.

DA REHAN IN "TWELFTE NIGHT" AFTER A LONG ABBENCE.

leorgin Cayvan to Rest Before Starring These Bitthesoms Ontery Strie Are Hard to Control-Maste and Fun Fredominant, When Ada Rehan bade good-by to New York year and a half ago it was as Violo in "Twelfth fight." She was then the "leading woman" of Augustin Daly's stock company. When she bowed how-d'ye-do last evening it was in the same character and comedy. This time she was a "star." The difference in appellation bore no great significance. Miss Rehan had become a giantess and the other members of the organization had become dwarfs in their statures as measured by the manage-ment and the public long before her de-parture, and hence there was no change in their relative sizes upon her return, so far as the assemblage at Daly's Theatre could see. She was welcomed home with effusive yet gen-uine cordiality. In the past year and a half she had not altered much either in her own individuality or in her manner of playing the part. She acted with splendid authority, and perhaps had gained in that respect. The keen intelligence of her readings, it seemed, was rather more notable than before. On the other hand, her elocutionary faults were fully accentuated, and her gasps for breath broke clauses regrettably. There is no need to say over again all that has already been said for and against her Violo. It is a performance needing few provises in the admira-tion bestowed upon it. The whole representation will be recalled as an ornamental affair. In the present cast Henry E. Dixey is a good conventional Malcolio; Percy Haswell a jolly, wholesome Maria; Frank Carlisle an agreeable Duke, and Sibyl Carlisle a coloriess Olivid, James Lewis, Herbert Gresham, and Lloyd Daubigney repeated their excellently absurd Sir Tuby, Sir Andrew, and Feste.

Simultaneously with the return of Ada Rehan as a "star," instead of being the "leading woman" that she was before, we get the news that Georgia Cayvan will retire from the Lyceum in a week or two and rest until she is ready to begin again with a "starring" tour. Miss Cayvan will take no risk in her venture. She is a deservedly favorite actress, praised by the critics and petted by the public. Her abilities as well se her vogue warrant her in breaking through the limits of a stock company and assuming the atrical eminence. The time is adventitious. The success of Oiga Netnersole is proof of that. Miss Nethersole's acting has made as good an impres-Nethersole's acting has made as good an impression in Philadelphia as it did in the later weeks of her engagement here, which were marked by a crescendo of success that culminated on the last night of her engagement before an audience which filled the theatre to overflowing and recalled her repeatedly before the curtain. Her success has been achieved under disadtages which The SUN has aiready described. It is a fact that the public is not only "willing," but "anxious," as the wants advertisement puts it, to welcome any young actrees worthy of its interest. There are now very few notable "stars" on the American stage among the actresses. Fifteen years ago they were abundant, Mary Anderson, Clars Morris, Helena Modjeska, Adelaide Neilson, Fanny Davenport, Charlotte Thompson, Mrs. D. P. Bowers, and others were conspicuous then, and some of these are still active and popular; but there has been no group of actresses to take the places of those that have retired, and the days of the "emotional" actress, who played her way through a repertory marked in its stages by Juliet, tumille, Pauline, and Miss Moulton, seem to have passed over to the painy stage. But there is no stage figure so interesting to the public as the female star when she deserves it, and the vogue of the gifted Duse was an instance of this, Of late these women have all come to us from the Continental stage. Bernhardt, Duse, and Hading played in languages which the majority in their audiences did not understand. Olga Nethersole, who brings to the artistic finish of Hading played in languages which the majority in their women, is the only actress that has played in English in the roles which have so long been associated in this country with our popular women, is the only actress that has played in the most here are presented on the scarcity of "star" actresses and its relation to the abandonment of the old stock system might not be difficult to trace. A woman at the outset of her career was never called upon then to play one part for a year or longer, sion in Philadelphia as it did in the later weeks of her engagement here, which were marked by

nd robberies down to hotel fires, have lost Audacity cool and brazen is the characteristic of the liar impersonated by William Gillette in Too Much Johnson," and this new Ananias is largely conducive to the striking success of the farce at the Standard; but an equally bold exhibition of effrontery is less engaging in the innouncement of the play as the original work of Mr. Gillette. He wrote that excellent war drama, "Held by the Enemy," and that furtherback comedy, "Esmeralda," but he is no more the author of "Too Much Johnson" than he was of "Mr. Wilkinson's Widows" or "The Private Secretary," plays now claimed by him in the advertisements. The mentioned three farces passed through his hands as an edapter. He rendered them more appealing and amusing to American audiences than they were as they had come from the pens of their foreign authors, but it is the sheerest felly to attempt to build up a fame by asserting that these pieces are his original works. The programme at the Standard says he derived a single idea for "Too Much Johnson" from a French source. The fact is that he no more than Americanized "Plantation Tomasson," doing cleverly the job of an adapter. Mr. Gillette would be wiser to rest his reputation as a creator of stage material uton his own excellent dramas. The times of American authorship in plays that foreigners have already written may be regarded as having expired with the series of German farces that appeared here as "by Augustin Daly." were as they had come from the pens of their

To-morrow's holiday will find all our theatres ready to give afternoon as well as evening per formances. Thanksgiving is a day of pleasure for most people, and a considerable share of it is derived from public amusements. The variety in the week's theatricals is wide to pick from. Music and fun predominate in the plays now in performance, but there are several serious plays for those who desire to be strongly interested in what they see on the stage. "A Woman's Silence" is acted at the Lyceum with all the power of that house's company. "The Bauble Shop" is a play to respect at the Empire, and this is its respect at the Empire, and this is its last week, as John Drew's engagement will end there on Saturday. "The Manxman" represents earnest effort by Wilson Barrett at the American. A. M. Falmer's company is repeating. The New Woman" at his theatre, and Charles Frohman's is devoting a week to "Souting the Wind" at the Brooklyn Columbia. "Shenandoah" is at the end of its season at the Academy of Music. Eighth avenue has a good old melodrama at the Grand Opera House in "The Two Orphana." with Kato Claxton and Mme. Janauschek in it, and the Bowery another in "Rosedale," with Joseph Haworth for its hero. "Under the Lash" is at Nibio's.

Farce in its best artistic condition that is to asy, free of vandeville elements makes a joylal entertainment in "The Pacific Mail" at the Star, where William H. Crans will close his big stay on Saturday, and at the Standard, where "Too Much Johnson" and William Gillett have gained a merry start. The plays that mix fun and music in various qualities and proportions are "Jacinta" at the Fith Avenue, "Prince Anantas" at the Broadway. "The Queen of Brilliants" at Abboy's. "A Milk White Flag" at Hoyt's, "Hob Roy" at the Herald Square. "Little Christopher Columbus" at the Garden, "The Brownies" at the Fourteenth Street, and "A Galety Girl," which has gone up to the Harlem Opera House entire and intact. Vaudeville farce has new examples in "The Fisms" at the Bijou and "Ruan City" at the Columbus.

All the variety houses will have two performances. week, as John Drew's engagement will end

that have roller states attached to their lower ends. The man supports his female companton when thus equipped, and the two assume many positions that seem extremely difficult, considering the nature of their support. It can be easily of their support. It can be easily understood that it is no simple matter for the man, when thus burdened and handloapped, to lie down and get up again while supporting his companion; but he does it and sates off. In rising a low stool is used as a knee support for a moment. Tony Pastor, Musical Dale, Pauline and Al. H. Wilson are among the others.

*Foughtre is in the last week of her stay at Koster & Bial's. Her companions are Bertoldi, Chelli, Ivan Techernhoff, the Forrests, McAvoy and May, Carmencita, and the Finneys. Living pictures make up a retained feature.

Shetland ponies are conspictuously employed

Shetland ponies are conspicuously employed at Proctor's, where they go through intricate movements, esemingly in charge of monkey riders, but really guided by a boy trainer. Grif-fin and Mack and James Thornton are the calef formakers.

funmakers.

A dozen specialists and a squad of women burlesquers furnish the show at Miner's Bow-ery, and Frank La Tona, Zamora and O'Dell and Page are the leaders of the former contin-

gent.

A new turn is given to the currently popular song, "The Sidewalks of New York," at Miner's Eighth Avenue by Hastings and Marion. They render the stanzas and a young child in an upper box sings the chorus. Other performers are the Russell Brothers, Sam Bernard, O'Brien and Havel, and Will H. Fox.

At the Eden Musee there are was groups scattered over three doors, and in the concert room there are two band concerts each day.

left New Yorkers in doubt as to their identities when they surrendered Daiy's stage to Shakespears and Ada Rehan. It would require mathematical ingenuity to reckon just how often the cast, as it was printed on the programme, really acted in the piece. Never did the responsibility of their calling rest so lightly on actresses as it did on the comely shoulders of the frisky burwhen they didn't feel like it, and fines had no terrors for them. There are said to have been many stormy scenes between Manager Daly and the irrepressible young women as to how and when they should act. They seemed to succumb unprecedentedly to the rigors of our climate, and its effect on the performances was most notable during the week of the Horse Show. The principals were from time to time out of the cast, and the programme of the theatre made no mention of their absence. It is not a very great contribution to the world's knowledge to know that Florence Lloyd was singing Lody Vergonia, and not Mande Holson, as the playbill invariably announced; nor that Grace Palotta had taken Juliet Nesvilles place as the French maid. The ranks of Lody Urgonia's charges, as well as of "A Galety Url" in general, were frequently depleted, and it was usually one of the American, borns that was called on to fill the vacancy. The public was never any the wiser in these cases, and the exhibits of beauty were so charming that perhaps the result was just as happy when they appeared under any other names. There was a delightful atmosphere of indifference about the performances which Mr. Daly may have struggled hard to counteract, but the girls had been playing "A Galety Girl" some time, and knews owell how they wanted to do it that no protest was effective. It was a listle bit unfamiliar on the stage of this theatre, but it probably didn't injure the results of the show. The Wednesday matinées, which are likely to be rather serious functions in any theatre, became, under the genial influence of this company, very jovial little entertainments. There never was any lack of sympathy between the actresses and their andience, however, for their first efforts was to locate their friends in front, and when that preliminary was gone through with, they filled in the intervals of recognition with as much acting as they thought was necessary to keep the play moving. This sort of thing is much more familiar in London than it is to New Yorkers. London players of established reputation are likely to appear indifferent to American spectat many stormy scenes between Manager Daly and the irrepressible young women as to how and

AGAINST LIVING PICTURES.

Lady Henry Somerset and Miss Willard Threaten to Set the Law on Them. Lady Henry Somerset has made up her mind that living pictures must be stopped, and she, in company with Miss Willard and other mem-bers of the W. C. T. U., is preparing to begin a

crusade in this city. Lady Henry, who arrived on Monday, went to Boston vesterday afternoon, but will return soon to start the campaign.
The crusade in this city is expected to resemble somewhat that in London, which resulted in the closing of the Empire Music Hall. That movement was begun against the living pictures, but found a much broader field before it ended. Lady lienry Somerset has not seen the living pictures in this city, but she has seen those in London, and if New York's are worse than those, as she has been told, she thinks that it is high time to do something.

Heyond the fact that the "white ribboners" are determined to stamp out the evil, no plan of operations has been made beyond a general one of collecting evidence and using it in the courts to have the licenses of theatres suppressed if they do not abolish that particular feature of their programmes. ble somewhat that in London, which resulted in

ASTOR HOUSE CURIO SHOP.

The Curtos Are Getting Up a Contest of Bartlett's Seat in the Next Congress. Gentlemen who play billiards in the Astor

House have been mystified of late because of the queer pranks of the billiard balls, which seemed to be quite unmanageable, and for some occult reason hugged the cushions on the Broadway side of the tables. Tables were found to be level and the balls true lathe turned, and nobody seemed able to account for the phenome non until yesterday, when a gentleman sug gested that it might be curiosity.

"I dish't know that curiosity could affect in animate objects," said he, "but I know that I have been drawn to this side of the billiard room several times to-day by some unseen force, which I noticed was exerted strongly to drag me into Room K as I passed its door, both in me into Room K as I passed its door, both in entering and leaving the billiard parior. The same force dragged me over toward the door of Room I, a few steps further on. I determined to breestigate. I entered Room K, and there I found a half dozen or more men sitting around a table talking in whispers. I asked what the conspiracy was about. The word 'conspiracy' seemed to grate on their ears. One young fellowgot up and asked:

"The you wish to see Mr. Ford?"

"What Mr. Ford?" I asked.

"Austin E. Ford."

"What; the man who was beaten for Congress?"

gress?" He wasn't beaten,' chorused the conspira-

tors. "How do you make that out?" says I. "'Bart-lett had a plurality of 1,393 over him, according to the returns.

"That's what the returns say," and the chorus shook its head with an air of superior knowl-

stook its head with an air of superior knowledge.

"But he isn't going to contest with such a plurality as that against him? I ventured.

"That's just what he's going to do."

"That's all there is the matter gentlemen. There are a lot of young fellows outside the billiard room door who don't know that the election in the Seventh Congress district was over on Nov. 6. I am fully convinced that it is curiosity to get a peep at those freaks that is affecting the billiard balls."

MORE NETHERLAND BOOTY FOUND. The Ashman who Aided the Hotel Thleves

Not Yet Caught. The ashman who conducted the transporta tion end of the combine that worked so successfully at the Hotel Netherland was not arrested yesterday. Promoter Allan Curry, with his three assistants, James Rooney, James Shan-non, and his wife, were arraigned yesterday before Justice Meads at the Yorkville Police Court fore Justice Meade at the vorkvine Police Cours and held in \$1,000 bond for examination on Friday. They may tell semething then that will implicate other servants in the thefts. Now two are under simplician, but it is believed that they aided the plants of the conspirators without any knowledge of what they were really doing. One of these is a half-witted boy employed in the yard of the hotel. the yard of the hotel.

Detective McMullen went yesterday to Mrs. Shannon's home at 317 East Sixtioth street and found it liberally stocked with butter and scaps of various scents. Curry and Shannon have engaged counsel to defend them.

The Tiffing Blue Book.

lem Opera House entire and intact. Vaudeville farce has new examples in "The Fishers" at the Bijou and "Rusa City" at the Columbus.

All the variety houses will have two performances for to-morrow's holiday, and the continuous shows, which bid for two audiences every week day, will begin their programmes at 9 in the morning. A bit from the circuses takes first place at the Union Square, and is followed by specialists, among whom these are the best known: Bernard Dylion, Carroll Johnson, James Thoroton, and the Doré brothers.

The Dewsons give a performance at Pastor's that shows a novel twist in acrofibile. Their

LIQUOR LICENSES IN BROOMLYN.

loon Respect Protest Against the Mayor's Decision to Increase Them. The General Committee of the United Liquor Dealers' Association of Brooklyn met yesterday and adopted resolutions protesting against the increase in the license fees. President W. L. Eagney said; "This is an outrage upon its, com-ing, as it does, at a time when business of all kinds is in a depressed condition. This money will not go to defray the expenses of the city but will be divided up between the charitable institutions. The New York desiers can afford to pay more for their licenses than we can, as they make much more money. They have a large foating population while we are obliged to de-pend almost altogether on our regular cus-tomers."

Arrangements have been made for a general meeting of the saloon keepers at Zup's Casino

Arrangements have been made for a general meeting of the saloon keepers at Zipp's Casino on Friday night. Some of the Republican managers fear that the saloon keepers will be banded against them in the Mayoralty campaign next year if Mayor Schieren's policy of doubling the free is carried out, and efforts will be made to have it modified. The Republican victories in the local campaigns in the last two elections were due, in part, to the liquor vote.

Won't Retire These Policemen.

The Police Commissioners have decided not to retire and place upon the pension roll, unless they are compelled to do so by the courts, such policemen as restill capable of active service after twelty years of it. About a score of policemen bave asked to be retired. One of them. Sergeaut O'Toole, is under indictment for briber). The nimble-footed women of " A Galety Girl "

Award to Pilots.

The Pilot Board voted vesteriay to award to the pilots on pilot boat 14 \$50, as a reward for their bravers in rescuing the crew of the schooner Kate E. Rich on Nev. 12. The men will invest the money in a handsome hight glass for the use of the pilots on No. 14.

MARINE INTELLIGENCE.

Sun rises Toll Sun sets 4 24 Mood sets 511 How Warms THIS DAY.

Sandy Hook Scol Gov Island S 28 Hell Gate 10 15 Arrived Transact, Nov. 22.

Se Soltigart, N. Glentack, Premie B. Se University, Larsen, Copenhaden, S. Lambert's Polit, Jenkins, Hamburg, Se Tallahasser, Asains, Savantal, Se Opielda, Ingram, Georgetow b. Se Vorkelwu, 1998, Norfolk. Se Unividea, Burracci, Usuarerios II.
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Bark Nettle Smith, Wallace, Baltimore,
Bark Nettle Smith, Wallace, Baltimore,
Bark Rosa Madre, Leboffe, Marseilles,
For later arrivals see First Page.)

Sa Chester from New York, at Southampton.
Sa Tenianic from New York, at southampton.
Sa Tenianic from New York, at southampton.
Sa Polymenta, from New York, at Marsellies.
Sa Polymenta, from New York, at Copenhagen.
Sa Si Cawald, from New York, at Liverpool,
Sa Giebesk, from Japan and China for New York, at

Na Pascut, from New York, at Rosario. Na Pascut, from New York, at Rosario. Na Burgermetster Petersen, from New York, at

Sa Veendam, from New York for Hotterdam, passed the Licard. Sa La Fiandre, New York for Antwerp, off Prawle Point. Point.
As Salerno from New York for Newcastle, off the

SALED FROM FOREIGN FORES.
SA I elbuits, from Pernambugo for New York.
Sa Wordsworth, from Santos for New York
Sa Ethelgonda, from Port Said for New York
Ba Hevelius, from Rio Janetro for New York

PAILED FROM DOMESTIC PORTS Se Guyandotte, from West Point, Va., for New York, be old Dominion, from Richmond for New York.

OUTGOING STEAMSHIPS.	
Sail To-day.	
Paris Southampton 8 00 A M. Britannic, Liverpood 6 00 A M. Rhyniand Autwerp 4 00 A M.	17 00 A. M. P 00 A. M. 6 00 A. M.
City or Washington, Havana vana Irrawaddy, Grennada 12 00 M. Irrawaddy, Cherleston Nacoochee, Savattiah New Orleana, New Orleana	8 00 P. M. 1 00 P. M. 3 00 P. M. 3 00 P. M. 3 00 P. M.
Sail To-morrow.	
Trinidad, Bermuda S:00 A. M.	10 00 A.M.

El Sol, New Orleans	terini ketelikanan	5 to 1. M.
to com	ING STEAMSHIPS.	
1	Due To-day.	
Polaria		Nov. 8
Bekia		
Cuffe	1.1vermont	Nov 18
Lydian Monarch	London	Nov 2
Duchess of Hoxburgh	Citionity	Nov 9
House of Months and		
Obdam	Mark Emeral water	New 14
Victoria	Alleratter	Sec. 11
Greece	London	Nov. 10
Furnessia	A T The state of t	Nov. 10
Runic	T francisco	Nov. 16
Grecian Prince	See I division	
Westernland	A SAME AND ASSAULT	200 17
Atlas	A Particulation	NAME 14
Leona	The largest care	Now 91
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MAJORES.	Liverpoon.	
Majestic Labu Baratoga	Bremen	200 04
La Bretagne		
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		24
Due Ti	curadiay, Nov. 29.	
Edam	Amsterdam	Nov. 17
Weser	Bremen	Nov. 17
Mississippi Norwegian	London	Nov. 15
Norwegian	Glasgow	Nov. 17
The second secon	Priday, Nov. 80.	
Europe	London.	Nov. 14
Hotiemia.	El and the contract of	1 2 2 2 2 2 2
Kansas City	. Bamourg	Var. 15
Due S	aturday, Dec. 1.	247 017
Etruria	Liverpool	Nov. 24
La Bourgogne	Havre	Nov. 24
La Bourgogne Kronprinz Pr. Wilhelm	1 Gibraltar	Nov. 21
Venetian	Christiansand	Nov. 17
Finance	Colon	Nov. 14
	Sunday, Dec. 1.	
Italia	ritheral tare	Sec. 17.

MARRIED. VANKIRK-HENRY, - On Tuesday, Nov. 27, at Central Congregational Church, by the Rev. Lloyd, Miss Josephine Sitteon, daughter of the late Mr. William Henry, "Newtownards Chroncie," county Down, Ireland, to Mr. Samuel Sey

DIED.

CUSHMAN.—Suddenly, on Sunday. Nov. 25. James Stewart Cushman, in the 50th year of his age. Funeral services from St. Peter's Church. West 20th st., near 9th av., on Wednesday morning at 10.30

Adeiaide, widow of Capt. Jedidiah Washington Hartt, in the 85th year of her age. Funeral services at her late residence, 951 St. Nicholas av., Wednesday, Nov. 28, at 1:30 P. M.

Please omit flowers. Fig. 1. W. -On Saturday, Nov. 24. Ellen Kelly, widow of Nell Kelly, at her residence, 180 Franklin st. Funeral Wednesday morning at 10 o'clock from the

ove residence, thence to 5t, Peter's Church, Barelay M. Interment Cabbary.

22 EN ER. Suddenly, on Nov. 23, 1801, George P.

Meyer, in the 53d year of his age. Incineration at Fresh Pond Crematory, on Wednesday, Nov. 25, 1884, at 2:30 F.M. Friends desiring to attend please take Long Island Hallroad for Hushwick Junction, leaving 54th St. Ferry, New York and 150th 150.

York side, 1:50 P. M. MGFT. Entered into rest on Menday morning, Nov 20, 1884, Justina Mors Most, only son of John C and Caroline E. Mott, in the 20th year of hisage. Relatives and friends are invited to attend the funeral services at his late residence, 07 East 77th at., Wednesday afternoon, 78th inst., at 5 o'clock. HEELLY, On Nov. 26, Michael Skelly, beloved

prother of John Skelly. Funeral from the residence of his brother, John Skelly, 401 East 118th at. on Thursday, Nov. Yo. Belatives and friends are respectfully invited to

SMITTH. Suddenly, on Monday, Nov. 26, Mary A Smith, in the 43st year of her age. Funeral from her late residence, 64 East loath at., on Nov. 29, at 9 A. M. HWEENEY.—On Nov. 26. Ann Sweeney.
Funeral Thursday. 10:30 A. M., from her late residence. 17 East 7th st.: to the Church of the

Nativity, 2d av., between 2d and 3d stc., where a solemn high mass of requiem will be offered up for the repose of her soul.

A -WOODLAWN CEMETERY OFFICE TO EAST 450 ST. WOODLAWN STATION SATH WARD. MARLEN RAIL-ROAD.

Special Motices.

A. A. PREPARE FOR WINTER have your windows fixed with Royaliuck S WEATHER STRIPS. Will exclude all draughts and reduce your coal fills. S. ROERUCK, 175 Fulton st. New York; Hamilton av., near 14th st. Robert n. Call, write, or wire. Telephone connections in both either MANY LABIES ARE MARTY HS to set foring. Their best help to PARKER'S GINGER TONIC PARKER'S HAIR SALNAM is life to the hair.

Meligious Motices.

CALVARY HAPTIST CHURCH, 57th at mear 6th av. Dr. MacArthur proaches at 11. Subject. "Several Kinds of Prosection Engagesty Demanded and Party Sevared by the American Propin." Gen. 7.1. Surgan will briefly speak on Protection of the Ballot. Music excellent. Public invited. ST. THOMAN'S CHURCH, Oth av and bld at -Hev. S.J. W. Rowns, D. D., rector. The Ht. Rev. Henry C. Potter, D. D., Li. D. will preach Thanksgiving meru-ing. Service 11 g'clock. Rem Publications.

New Publications.



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11 East 17th Street, New York.

NEITHER WANTS THE GOODS. to the Heaven. The Police

Policeman Connors of the Leonard street sta tion hired a truck last night and took to the station house five big cases of goods, for which station house five big cases of goods, for which there seemed to be no owner. The rases were marked "Simpson, Crawford & Simpson, Sixth avenue," They had been sent to that firm some days ago from the Art Lithograph Company of 100 Duane street. Last night they were returned to the Art Lithograph Company, which refused to accept them, so they were left on the sidewalk in from of 100 Duane street.

Unless the goods are claimed and the cartage, amounting to \$2.50, paid within three days, they will be sent to the Police Bristment storage rooms.

Madden's Commission on Miner's Insurance In the Superior Court yesterday Judge Freedman overroled the demurrer entered by the Equitable Life insurance Company in a suit brought by William J. Madden, formerly one of the company's managing agents, to recover \$7,-421.21 commission on a policy of \$100,000 on the life of Heary f. Miner, and gave judgment on the pleadings for Madden, with leavele the company to withdraw its demurrer on payment of costs. Madden alleges that he brought Miner's case to the company, that the risk was refused, and that it was subsequently granted to Miner through another agent.

The Countess Radna.

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